UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

JOSHUA CORNELL SKINNER, ID	§	
# 02137079,	§	
	§	
Petitioner,	§	
	§	Civil Action No. 3:21-CV-1246-X-BH
v.	§	
	§	
DIRECTOR, Texas Department of	§	
Criminal Justice, Correctional	§	
Institutions Division,	§	
	§	
Respondent.	§	

ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. [Doc. 50]. No objections were filed. The District Court reviewed the proposed findings, conclusions, and recommendation for plain error. Finding none, the Court ACCEPTS the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

Accordingly, Petitioner's unopposed *Motion to Dismiss Unexhausted Claims*, received on October 26, 2022 [Doc. 46], is **GRANTED** as to his unexhausted second and fourth grounds for relief. His remaining claims in his amended *Petition for a Writ of Habeas Corpus by a Person in State Custody*, received on July 14, 2021 [Doc. 18], will be **DENIED** with prejudice by separate judgment.

In accordance with Fed. R. App. P. 22(b) and 28 U.S.C. § 2253(c) and after

considering the record in this case and the recommendation of the Magistrate Judge, the petitioner is **DENIED** a Certificate of Appealability. The Court adopts and incorporates by reference the Magistrate Judge's Findings, Conclusions, and Recommendation in support of its finding that the petitioner has failed to show (1) that reasonable jurists would find this Court's "assessment of the constitutional claims debatable or wrong," or (2) that reasonable jurists would find "it debatable whether the petition states a valid claim of the denial of a constitutional right" and "debatable whether [this Court] was correct in its procedural ruling." Slack v. McDaniel, 529 U.S. 473, 484 (2000).

In the event that the petitioner files a notice of appeal, he must pay the \$505.00 appellate filing fee or submit a motion to proceed *in forma pauperis* that is accompanied by a properly signed certificate of inmate trust account.

IT IS SO ORDERED this 18th day of August, 2023.

BRANTLEY STARR

UNITED STATES DISTRICT JUDGE